IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4399 OF 2007

Sampada N. Gujarathi ...Petitioner

v/s

The State of Maharashtra and ors. ...Respondents

Mr Harshad Bhadbhade for Petitioner.

Ms S.S. Bharde, A.G.P. for Respondents.

CORAM : D.K. DESHMUKH AND V.M. KANADE JJ.

DATE : 11TH DECEMBER 2007.

P.C. :-

1. Rule, returnable forthwith by consent of parties.

2. By the order impugned, the Scrutiny Committee has invalidated the claim of the petitioner that she belongs to Sonar - O.B.C. caste. The short ground on which the order is challenged is that after the petitioner applied for validity certificate, her application was referred to the Scrutiny Committee. The Scrutiny Committee issued notice dated 7th February 2007 to the petitioner asking her to appear before them on 9th February 2007 with documents which show that she is Sonar by caste and which are of the period before 17th June 1955. The case of the petitioner is that she resides in Khed, District Ratnagiri, where the letter sent from New Bombay, was received on 14th February 2007, therefore she could not appear before the Scrutiny Committee on 9th February 2007. The petitioner has produced before us certificates and documents which relate to the period before 17th June 1955. Before us, there is no dispute that the petitioner was summoned to appear on 9th February 2007 by notice dated 7th February 2007. It is apparent that the case of the petitioner

was decided without giving the petitioner a reasonable opportunity of placing material before the Scrutiny Committee. In our opinion, therefore, following order would meet the ends of justice.

3. The order impugned in the petition is set aside. The petitioner to appear before the Scrutiny committee on 7th January 2008 with all documents and material on which she wishes to rely. The Scrutiny Committee thereafter shall hear the petitioner and make order in accordance with law. Rule is made absolute with no order as to costs.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Private Secretary of the Court.

. Certified copy expedited.

(D.K. DESHMUKH J.)

(V.M. KANADE J.)